

ARNOLD & PORTER LLP

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April 18, 2005

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APR 20 2005

TECH CENTER 1600/2900

Mail Stop RECONSTRUCTION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Re: U.S. Application No. 08/870,762
Filed: June 6, 1997
Title: **Methods for Treating Obesity**
Applicants: Bradford J. DUFT *et al.*
Atty. Docket: 18528.231

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Response to Notice Under 37 CFR § 1.251 - Pending Application;
2. an executed copy of the Notice Under 37 CFR 1.251 - Pending Application (Form PTO-2053-B);
3. a complete copy of Applicants' record (as listed in the Response); and
4. a return postcard.

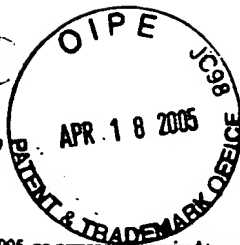
In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any additional fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387 referencing matter number 18528.231. A duplicate copy of this letter is enclosed.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)
Rachel L. Adams (Reg. No. 54,660)
Thomas E. Holsten (Reg. No. 46,098)

Attachments

Do Not Scan



Rev. Margaret Shum
TC 1600

PTO-2853-B (Rev. 10/03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of:

Bradford J. DUFT et al.

Application No.:

08/870,762

Filing Date:

June 6, 1997

Title:

Methods for Treating Obesity

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Direct to:

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE UNDER 37 CFR 1.251 - Pending Application

Statement (check the appropriate box):

☒ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

April 18, 2005

Date

Rachel L. Adams

Signature

Rachel L. Adams, Reg. No. 54,660

Typed or printed name

A copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 5 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 20 2005

In re Application of:

Bradford J. DUFT *et al.*

Appln. No.: 08/870,762

Filed: June 6, 1997

For: **Methods for Treating Obesity**

Art Unit: 1645

Examiner: S. Devi

Atty. Docket: 18528.231

Confirmation No.: 7328

TECH CENTER 1600/2900

Response to Notice Under 37 CFR § 1.251 - Pending Application

Mail Stop RECONSTRUCTION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice under 37 CFR § 1.251 - Pending Application dated June 2, 2004, Applicants submit copies of correspondence between the U.S. Patent and Trademark office and Applicant as follows:

DATE	DESCRIPTION
01/18/2005	Notice Under 37 CFR 1.251 - Pending Application; Content Information for 08/870762
06/19/2003	Request for Status with copy of Revocation of Prior Power of Attorney, Appointment of New Attorneys of Record and Change of Correspondence Address with copy of Assignment document previously filed on February 26, 2003
02/26/2003	Transmittal Letter with Revocation of Prior Power of Attorney, Appointment of New Attorneys of Record and Change of Correspondence Address with copy of Assignment document
02/26/2003	Notice of Publication and copy of published application number US 2003/0026812 A1
12/2/2002	Transmittal Letter; Fee Transmittal Form for FY 2003; Petition for Three Month Extension of Time; Declaration Under 37 C.F.R. § 1.131 with Attachments; and, Response
06/27/2002	Supplemental Information Disclosure Statement; Copy of a Russian Office

DATE	DESCRIPTION
	Action from the Russian counterpart application with partial English translation; (51) references (excluding U.S. Patents)
05/30/2002	Non-Final Office Action; Notice of References Cited - PTO-892 (5 pages) with Copies of (21) Cited References (excluding U.S. Patents and references previously cited)
05/01/2002	Corrected Filing Receipt
04/10/2002	Request for Corrected Filing Receipt; copy of original Filing Receipt marked-up to indicate corrections
03/20/2002	Corrected Filing Receipt
03/18/2002	Continued Prosecution Application (CPA) Request Transmittal
12/28/2001	Statement Establishing Small Entity Status
12/18/2001	Final Office Action; Notice of References Cited - PTO-892 (1 page) with copy of (1) Cited Reference; Examiner-initialed PTO-1449
10/16/2001	Request for Change of Correspondence Address
08/10/2001	Communication from U.S. Patent and Trademark Office advising that the Holding of Abandonment mailed 5/28/01 has been withdrawn, and that a copy of the response filed 5-18-01 has been made of record in the file.
05/25/2001	Notice of Abandonment
05/22/2001	Revocation and Grant of Power of Attorney
05/14/2001	Transmittal Letter; Petition for Extension of Time (three months); Reply Under 37 C.F.R. 1.111; Supplemental Information Disclosure Statement; Form PTO-1449 (1 page); Copy of (1) Cited Reference.
03/14/2001	Revocation and Grant of Power of Attorney with Appendix A
12/12/2000	Transmittal Letter; Revocation and Grant of Power of Attorney with Attached Index; Change of Correspondence Address and Attorney Docket Number with attached Index.
11/13/2000	Non-Final Office Action; Notice of References Cited - PTO-892 (3 pages) with Copies of (8) Cited References (excluding U.S. Patents and references previously cited)
06/24/2000	Petition for Extension of Time (five months); Appeal Brief
01/21/2000	Advisory Action; Interview Summary
12/23/1999	Transmittal Letter; Request for Extension of Time (three months); Notice of Appeal; Response under 37 CFR 1.116
06/24/1999	Final Office Action; Notice of References (excluding cited U.S. patent); Examiner-initialed PTO-1449 Form.
03/16/1999	Transmittal Letter; Request for Extension of Time (three months); Response
12/24/1998	Supplemental Information Disclosure Statement; PTO-1449 form (1 page); Copy of an International Search Report dated September 24, 1998 with copies of (7) cited references.
09/16/1998	Non-Final Office Action; PTO-892 Forms (5 pages) with Copies of (19) Cited References (excluding U.S. Patents and references previously cited) NOTE: A copy of "Exp. Opin. Ther. Patents 4(11): 1383-1384 (1994)" is not available.)

DATE	DESCRIPTION
08/17/1998	Transmittal Letter; Petition for Extension of Time Under 37 C.F.R. 1.136(a) (three months); Preliminary Amendment; Response to Notice to Comply with Requirements for Patent Application Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures; Statement Under 37 C.F.R. § 1.821(f); Sequence Listing
04/17/1998	Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures; Raw Sequence Listing Error Report
01/27/1998	Transmittal Letter; Submission of Missing Parts and Related Application Papers; Copy of Notice to File Missing Parts of Application; Executed Declaration; Statement Under 37 C.F.R. § 1.821(f); Response to Notice to Comply with Requirements for Patent Application Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures; Sequence Listing
01/27/1998	Recordation Form Cover Sheet - Patents Only (Form PTO-1595); Executed Assignment
Not Dated	Filing Receipt
08/27/1997	Notice to File Missing Parts of Application - Filing Date Granted; Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
06/06/1997	New Application Transmittal (8 pages); New Patent Application, including title page, specification, claims and abstract (43 pages).

The copies submitted with this reply are complete and accurate copies of Applicants' record of all of the correspondence between the Office and the Applicants for the above-identified application (except for U.S. patent documents), and Applicant is not aware of any correspondence between the Office and Applicants for the above-identified application that is not among Applicants' records.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
Rachel L. Adams (Reg. No. 54,660)
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Date: April 18, 2005

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